

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ORDER

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Patricia A. Sullivan filed a Report and Recommendation ("R&R") on April 12, 2017, recommending that the Court dismiss Plaintiff's amended Complaint and Jury Demand without prejudice for want of subject matter jurisdiction and, to the extent that Plaintiff has referred to the Rhode Island Family Court and its judges as Defendants, for failure to state a claim upon which relief may be granted. Plaintiff timely filed an objection to the R&R, stating that the Magistrate Judge had "erred" and that Plaintiff should be granted additional time to file a supplement to her objection plus a memorandum.¹ In addition, Plaintiff filed an affidavit attesting to the fact that she is seeking legal representation, and that Defendants would not be prejudiced by a

¹ On the same day, Plaintiff also filed a Motion for Extension of Time to supplement her objection.

delay. Two days later, Plaintiff filed an amended objection, affidavit, and motion for extension of time to correct the date on which the R&R was filed; she had mistakenly cited March 12 as the date of the R&R instead of April 12.

The Court has carefully reviewed the amended Complaint and Jury Demand, the R&R, and Plaintiff's Objections thereto. The Court agrees with the Magistrate Judge's conclusion that, at base, Plaintiff's amended Complaint is seeking to relitigate the property settlement agreement entered in the Family Court. For the reasons stated in the Magistrate Judge's R&R dated November 22, 2016, and this Court's Order dated March 8, 2017, this Court does not have subject matter jurisdiction to consider Plaintiff's claims. Moreover, as explained in the R&R currently pending before the Court, Plaintiff fails to state a claim against the Family Court and its judges upon which relief may be granted.

The Court therefore ACCEPTS the R&R (ECF No. 19) and adopts the reasoning set forth therein. Plaintiff's amended Complaint and Jury Demand (ECF No. 18) is DISMISSED WITHOUT PREJUDICE. Plaintiff's Motions for Extension of Time (ECF Nos. 20, 23) are DENIED AS MOOT. IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: May 9, 2017